BARODA TOWNSHIP

COUNTY OF BERRIEN

STATE OF MICHIGAN

Resolution No. 2026-14

A RESOLUTION TO ADOPT A TEMPORARY NON-ZONING MORATORIUM REGULATORY ORDINANCE REGARDING DATA CENTERS AND ALL RELATED DATA INFRASTRUCTURE FACILITIES AND ACCESSORY BUILDINGS AND USES, AND TO DIRECT THE PLANNING COMMISSION TO PREPARE A ZONING ORDINANCE TEXT AMENDMENTS FOR A TEMPORARY MORATORIUM ON DATA CENTERS AND ALL RELATED DATA INFRASTRUCTURE FACILITIES AND ACCESSORY BUILDINGS AND USES.

At a meeting of the Baroda Township Board, held at the Township Municipal Building, 9091 1st Street, Baroda, MI 49101, on October 19, 2026 at 7:00 p.m.:

PRESENT: William Hurst, Dennis Kreitzer, Larry Klug, Christina Price

ABSENT: David Wolf

Baroda Township ("Township") resolves:

WHEREAS, Data Centers, Data Infrastructure Facilities, and all related accessory buildings and uses may present unique and significant land use considerations, including but not limited to electrical demand, water usage, stormwater management, noise, heat discharge, building scale, visual impacts, public safety concerns, and long-term effects and impacts on a sited project and surrounding properties and infrastructure; and,

WHEREAS, the Township Board and Planning Commission have received substantial comments and information from the public raising public health, safety, and welfare concerns about the impacts of Data Centers and the related infrastructure, accessory buildings, and accessory uses on the residents and property owners of the Township; and,

WHEREAS, the Township's existing zoning regulations and land use policies may not adequately or specifically address the siting, scale, intensity, and operational impacts of Data Center Systems and the related infrastructure, and accessory buildings and uses within the Township; and,

WHEREAS, the Township Board finds that additional time is necessary to study Data Centers

and all their related infrastructure and accessory buildings and uses, to review best practices from other jurisdictions, evaluate infrastructure capacity, and consider whether updates to the Township's Zoning Ordinance, Master Plan, or other regulatory tools are warranted; and,

WHEREAS, a temporary non-zoning police power zoning moratorium regulatory ordinance and a moratorium zoning ordinance text amendment on new Data Center applications along with all related infrastructure and accessory buildings and uses, allows the Township to conduct this review in a deliberate and transparent manner without prejudicing future development decisions; and,

WHEREAS, the Township Board recognizes that a temporary moratorium is a useful planning tool intended to preserve the status quo while thoughtful policy review and regulatory evaluation are undertaken; and,

WHEREAS, the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, authorizes local units of governments, including townships, to provide for the adoption of zoning ordinances regulating the use of land within its territorial boundaries; and,

WHEREAS, the Baroda Township Planning Commission is charged under the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, with making, preparing, and submitting recommendations concerning land use planning, zoning, and orderly development within the Township; and

NOW, THEREFORE, BE IT RESOLVED, that the Baroda Township Board of Trustees hereby adopts Ordinance No. **2026-44**, a Non-Zoning Police Power Regulatory Ordinance, titled, "An Ordinance to Enact a Temporary Moratorium on Data Centers," attached hereto as Exhibit A in order to address public interests and provide sufficient time for the Township to study Data Centers and all related accessory buildings, infrastructure, and land uses, and to consider potential amendments to the Township's Zoning Ordinance, Master Plan, and related policies to ensure compatibility with community goals, infrastructure capacity, and public health, safety, and welfare.

BE IT FURTHER RESOLVED, that pursuant to the Township Zoning Ordinance, the Township Board of Trustees is hereby authorized and directs the Planning Commission to research and prepare a Temporary Moratorium Zoning Ordinance Text Amendment on Data Centers and all related infrastructure facilities and accessory buildings and uses, in order to provide sufficient time for the Planning Commission to study such land uses and consider potential amendments to the Township's Zoning Ordinance, Master Plan, and related policies to ensure compatibility with community goals, infrastructure capacity, and public health, safety, and welfare; and, submit recommendations to the Township Board of Trustees after a public hearing.

BE IT FURTHER RESOLVED, that the purpose of Ordinance **No. 2026-44** and the Township Board of Trustee's direction to the Planning Commission to prepare a Temporary Moratorium Zoning Ordinance Text Amendment, is to preserve the status quo while the Township Planning Commission Researches Data Centers and all related infrastructure facilities, accessory buildings, and uses as land uses within the Township, and submits a recommendation to the Township Board for consideration after public hearing.

The forgoing resolution offered by Township Board Member Dennis Kratzer and seconded by Larry Kilgs.

AYES: William Hurst, Dennis Kratzer, Larry Kilgs, Christina Price

NAYS: NONE

The Supervisor declared the resolution adopted.

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of Baroda Township at a regular meeting held on October 19, 2026.

Christina Price, Township Clerk

BARODA TOWNSHIP

COUNTY OF BERRIEN

STATE OF MICHIGAN

Ordinance No. 2026 -44

An Ordinance to protect the public health, safety, and welfare by establishing regulations relating to a temporary moratorium on considering applications for Data Centers and all related infrastructure facilities and accessory buildings and uses within Baroda Township while the Township completes a study of the ordinances and regulations pertaining thereto and considers possible subsequent revisions to current ordinances pertaining thereto; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

Baroda Township Ordains:

SECTION I- FINDINGS

In accordance with Public Act 1945 PA 246, MCL 41.181 et seq., as amended, Baroda Township has determined the following:

1. The Baroda Township Board ("Township") determines that the approval of Data Centers and all related infrastructure facilities and accessory buildings and uses may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of Baroda Township.

2. Recently, the Township Board has received significant comments and information from the public raising public health, safety, and welfare concerns about the impacts of Data Centers and related infrastructure facilities and accessory buildings and uses on the residents and property owners of the Township.

3. The Township has a legitimate public purpose in assessing the regulation of the establishment and use of Data Centers and related infrastructure facilities and accessory buildings and uses within the Township to ensure that Data Centers and related infrastructure facilities and accessory uses and buildings do not interfere with other land uses, or have substantial negative impacts on the environment, public health and safety.

4. The Township Board finds that adopting a temporary moratorium is reasonable and necessary for the following reasons:

A . Michigan courts have recognized that a temporary moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.

B. The Township Board desires to review and study the public health, safety, and welfare concerns regarding Data Centers and all related infrastructure facilities and accessory buildings and uses, and any Township regulations that may impact and/or regulate such projects.

C. The adoption of a temporary moratorium will allow the Township Board adequate time to study and possibly implement revisions to the Township's ordinances and regulations, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.

D. The Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that the Township Board adopt a temporary moratorium on the acceptance and/or processing of any applications for Data Centers and related infrastructure facilities and accessory buildings and uses.

SECTION II – MORATORIUM AND TERM

The Township Board adopts a temporary moratorium on the acceptance and/or processing of any applications for a Data Center and related infrastructure facilities and accessory buildings and uses. The temporary moratorium is for one (1) year from the effective date of this Ordinance, or until the effective date of any amended or new Township ordinances or regulations addressing Data Centers are effective, whichever date occurs first.

SECTION III - EXTENSION BY RESOLUTION

Before this moratorium expires, the Township Board may extend the temporary moratorium by resolution of the Township Board as appropriate to allow sufficient time to complete amendments or additions to its ordinances and regulations.

SECTION IV -SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION V - REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VI - EMERGENCY ORDINANCE/EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication.

YAYS: William Hart, Penny Kreger, Larry Ellis, Christina Price

NAYS: None

Ordinance declared adopted this 19th day of October, 2026.

Christina Price, Township Clerk